

UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

CHAMBERS OF
ANDRE M. DAVIS
UNITED STATES DISTRICT JUDGE

U.S. COURTHOUSE
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May 4, 2001

MEMORANDUM TO COUNSEL RE: Shreve v. Sears Roebuck & Co.,
Civil No. AMD 00-2162

I propose to hold a hearing on all open issues in this case on Thursday or Friday, June 14 or 15, 2001.

From my review of your submissions, I am strongly inclined to grant the defendants' *Daubert* motion and exclude the plaintiffs' proposed expert opinion testimony. Accordingly, I want to give the plaintiffs an opportunity to present their expert witness's live testimony at the hearing if they so desire. As plaintiffs contend, however, and as defendants concede (at least as to the design defect claim), exclusion of the plaintiffs' expert will not terminate the case, because potentially, plaintiffs could get to the jury without expert opinion testimony.

As well, I believe it would be quite helpful if I could examine the snow thrower that is the subject of these proceedings. I have in mind that you could arrange to bring the snow thrower to the garage of the courthouse, where we could all take a look at it during the hearing.

I ask that you confer and notify my secretary, Ms. Thompkins, on or before Tuesday, May 8, 2001, as to when you are available for a telephone conference, to be held no later than Friday, May 11, 2001.

Despite the informal nature of this ruling, it is an Order of Court and the Clerk is directed to docket it as such.

Very truly yours,



Andre M. Davis
United States District Judge

AMD:tt
cc: Court file

